**O.P.No.98 of 2023**

**N.SATHISH KUMAR, J.**

This petition has been filed under Sections 222 and 276 of the Indian Succession Act, 1925 read with Order XXV, Rule 4 of O.S. Rules, for the grant of Probate in respect of the last Will and Testament of the deceased R.Srinivasan.

2. The case of the petitioner is that the petitioner is the son of the testator and he has been appointed as the executor in the Will. The testator R.Srinivasan died on 21.06.2020. The first respondent is the son of the testator and the second and third respondents his sons and testator is uncle of the fourth respondent. Under the said Will, the property has been bequeathed to the petitioner and the respondents as stated in the Will. The wife of the testator predeceased the testator on 12.09.2000. The deceased executed his last Will and Testament dated 28.07.2017. There is no other kin or persons interested who has to be impleaded. The amount of assets

which is likely to come into the petitioner's hands does not exceed in the aggregate sum of Rs.5,00,00,000/- and the net amount of the assets, after deducting all items which the petitioners are by law allowed to deduct is of the value of Rs.1,28,87,922.40/-. The petitioner undertake to duly administer the property and credits of the deceased R.Srinivasan and in any way concerning the Will by paying first her debts and then the legacies therein bequeathed so far as the assets will extend and to make a full and true inventory thereof to the Court within six months from the date of grant of Probate to the petitioner and also to render to this Court a true account of the said property and credits within one year from the said date.

3. The Power Agent of the petitioner viz., Venkatesh Vijayaraghavan has been examined as P.W.1 and he had narrated the averments made in the petition stating that the petitioner has filed this petition for the grant of probate in his favour in respect of the Last Will and Testament executed by the testator on 28.07.2017. Ex.P.1 is the Special Power of Attorney dated 04.04.2022 executed by the wife of the petitioner. Ex.P.2 is the original Will executed by the deceased R.Srinivasan. The deceased has executed the

Will on 28.07.2017. Ex.P.3 is the computer generated death certificate of the deceased R.Srinivasan. Ex.P.3 has been filed to prove that the testator died on 21.06.2020. Ex.P.8 is he copy of the death certificate of the mother of the petitioner. The mother of the petitioner died on 12.09.2000. Ex.P.4, Ex.P.6 and Ex.P.9 are the copies of sale deed standing in the name of the testator. Ex.P.10 and Ex.P.12 are statement of accounts of the testator and Ex.P.15 have been filed prove the assets of the testator. Ex.P.18 is the consent affidavit filed by the first respondent first respondent and Ex.P.19 is the consent affidavit filed by the second respondent for issuing probate in favour of the petitioner.

4. P.W.1 has further stated in the proof affidavit that as the Will has been executed in UPS Store in New York, United States of America, two customers of the Store have signed as attestors in the Will and the details of the attesting witnesses are not ascertainable, the petitioner has filed the affidavit of the Notary who notarized the Will, viz., Mr.Thomas Mei. The Notary in his affidavit has stated that the testator was in a sound and disposing state of mind and in his presence the attesting witnesses

subscribed their signature in the Will. He has further stated in his affidavit that on 13.12.2018, the UPS Store and other stores in the street were completely destroyed by the fire and the records were also destroyed in fire. The evidence of P.W.1 and the affidavit filed by the Notary not only prove execution but also attestation of the Will and there is no other materials to suspect the Will.

5. In view of the above facts, I am of the view that the petitioner has proved the execution and attestation of the Will. Hence, the petitioner is entitled for the issuance of probate in favour of the petitioner.

6. The Original Petition is ordered. Grant probate of the Will in respect of the petitioner.

06.10.2023

vrc

**N.SATHISH KUMAR, J.**

vrc

**O.P.No.98 of 2023**

**03.10.2023**